

FCC Received April 9, 1997 @ 4:00 p.m.
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FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of:)	MM DOCKET No.: 97-79
)	
PATAPHYSICAL BROADCASTING)	File No.: BPED-940316MB
FOUNDATION)	
Channel 219B)	
San Ardo, California)	
)	
CENTRAL COAST EDUCATIONAL)	File No.: BPED-940606MB
BROADCASTERS)	
Channel 217A)	
)	
For Construction Permit for a)	
New Noncommercial Educational)	
FM Station)	

Volume: 1
Pages: 1 through 7
Place: Washington, D.C.
Date: April 1, 1997

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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For Construction Permit for a)
New Noncommercial Educational)
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Suite 201, Courtroom 2
FCC Building
2000 L Street, N.W.
Washington, D.C.

Tuesday,
April 1, 1997

The parties met, pursuant to the notice of the
Judge, at 9:01 a.m.

BEFORE: HON. JOHN M. FRYSIK
Administrative Law Judge

APPEARANCES:

On behalf of Pataphysical:

JOHN CRIGLER, ESQ.
Haley, Bader & Potts, P.L.C.
4350 North Fairfax Drive, Suite 900
Alexandria, Virginia 22203-1633
(703) 841-0606

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APPEARANCES (continued):

On behalf of Central Coast:

ALAN C. CAMPBELL, ESQ.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue, N.W., Suite 200
Washington, D.C. 20036-3101
(202) 728-0401, Ext 110

On behalf of the Commission:

JAMES SHOOK, ESQ.
Federal Communications Commission
Mass Media Bureau
2025 M Street, N.W.
Washington, D.C. 20554

I N D E X

WITNESSES: DIRECT CROSS REDIRECT RECROSS VOIR DIRE

None.

E X H I B I T S

IDENTIFIED RECEIVED REJECTED

None.

Hearing Began: 9:01 a.m. Hearing Ended: 9:06 p.m.

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1 P R O C E E D I N G S

2 JUDGE FRYSIAK: Good morning.

3 ALL: Good morning, Your Honor.

4 JUDGE FRYSIAK: I guess we're all here. This is a
5 prehearing conference for a Construction Permit for a New
6 Noncommercial Educational FM Station, Docket Number 97-79.

7 May we note your appearances for the record?

8 MR. CRIGLER: For Pataphysical Broadcasting
9 Foundation, I'm John Crigler, of Haley Bader & Potts.

10 MR. CAMPBELL: And for Central Coast Educational
11 Broadcasters, Alan Campbell, of Irwin, Campbell and
12 Tannenwald.

13 MR. SHOOK: I'm James Shook, on behalf of the
14 Chief, Mass Media Bureau.

15 JUDGE FRYSIAK: All right. Well, I think we all
16 read the hearing designation order. It's pretty
17 straightforward. We have a -307 issue, which can be
18 compromised by an agreement or shared broadcasting.

19 MR. CAMPBELL: Your Honor, we -- we think there
20 may be another solution to it that we're exploring now. And
21 that would be, um, the Staff had sent out a letter a while
22 back to the parties suggesting their second adjacent
23 channels and their -- if Pataphysical would accept a certain
24 amount of interference, ah, and ask for a waiver, both
25 applications could be granted.

1 Ah, the parties did have some discussions then,
2 but, ah -- um, I think because our location was in a more
3 populated area, um, we weren't able to reach an agreement
4 then.

5 However, we've now secured a site in a -- a farm
6 area, mountain top, that doesn't have any people, we don't
7 think, or very few, in what would be the projected
8 interference area. And, ah, as soon as we have an
9 engineering proposal to submit to Pataphysical, we will do
10 that and see if both applications could then be in a
11 grantable form.

12 MR. CRIGLER: Yeah, we're certainly to, ah,
13 consider that. And there have been conversations in the
14 past between the parties about, ah, how something might
15 worked out -- be worked out. And, ah, subject to our
16 checking out the, ah -- the engineering, we're -- we're
17 agreeable to, ah, to go that route.

18 JUDGE FRYSIK: All right. Sounds good.

19 MR. CAMPBELL: I think it would be the best way to
20 go if we can arrange it.

21 JUDGE FRYSIK: All right. Then, so that all we
22 have for our agenda today, then, is to set the tentative
23 preliminary procedural schedule.

24 I would set the time for filing preliminary
25 exhibits, ah, for June 24.

1 MR. CAMPBELL: June 24, Your Honor?

2 JUDGE FRYSIAK: June 24. This would be primarily
3 your engineering exhibits. And your -- well, I guess that's
4 it. Ah --

5 MR. SHOOK: It would certainly be our preference,
6 in that regard, if the parties could work out a joint
7 engineering exhibit.

8 JUDGE FRYSIAK: Pardon?

9 MR. SHOOK: It would be our preference if the
10 parties could under- -- you know, work out a joint
11 engineering exhibit, as opposed to submitting separate
12 engineering exhibits.

13 JUDGE FRYSIAK: Is that agreeable?

14 MR. CRIGLER: That's agreeable to -- to me.

15 JUDGE FRYSIAK: All right.

16 MR. CAMPBELL: I think so, Your Honor, yes.

17 JUDGE FRYSIAK: Well, then, I'll require that you
18 file a joint engineering exhibit on June 24. And your final
19 exhibits on July 15. And that you would file your
20 notification of witness for cross-examination on July 29.
21 And I'm scheduling a hearing here in Washington for
22 August 5.

23 Okay? Well, if I can be of any assistance along,
24 feel free to call on me.

25 MR. CAMPBELL: We certainly will.

1 MR. CRIGLER: Okay.

2 JUDGE FRYSIK: All right, if there's nothing
3 further, we stand adjourned, then, until the fifth of
4 August.

5 MR. CAMPBELL: Thank you.

6 MR. SHOOK: Thank you, Your Honor.

7 JUDGE FRYSIK: Thank you very much.

8 (Whereupon, at 9:06 a.m., the proceeding was
9 concluded.)

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REPORTER'S CERTIFICATE

FCC DOCKET NO.: 97-79, et al.

CASE TITLE: Pataphysical Broadcasting Foundation, et al.

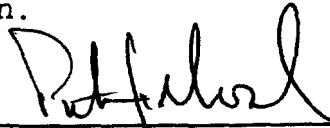
HEARING DATE: April 1, 1997

LOCATION: Washington, D. C.

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Date:

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